



TOWN OF GIBBONS

CRIMINAL RECORD CHECK FOR ELECTION CANDIDATES

Bylaw MOG 1/24

A BYLAW OF THE TOWN OF GIBBONS IN THE PROVINCE OF ALBERTA, REGARDING CRIMINAL RECORD CHECKS FOR ELECTION CANDIDATES

WHEREAS under provisions of the Municipal Government Act, being chapter M-26, Section 146.1 of the Revised Statues of Alberta 2000 or thereof amended, Council may pass bylaws for municipal purposes respecting Criminal Record Check for Election Candidates

AND WHEREAS: pursuant to Section 21 (1) of the *Local Authorities Election Act*, an elected authority, by a bylaw passed prior to December 31 of the year before a year in which a general election is to be held, may require a person seeking to be nominated as a candidate to provide a criminal record check

AND WHEREAS: pursuant to Section 27 (1)(e) of the *Local Authorities Election Act*, every nomination of a candidate must, if required by bylaw, be accompanied with a criminal record check.

AND WHEREAS: pursuant to Section 28(6) of the *Local Authorities Election Act*, at any time after the commencement of the nomination period until the term of office to which the filed nomination papers relate has expired, a person may request to examine the filed nomination papers during regular business hours and in the presence of the returning officer, deputy, or secretary.

AND WHEREAS: pursuant to Section 28(6.2) of the *Local Authorities Election Act*, if a criminal record check accompanies a candidate's nomination papers, the results of the criminal record check must not be withheld or redacted under subsection (6.1) except to ensure that the mailing address of the candidate and of the candidate's official agent is not disclosed.

NOW THEREFORE: the Council of the Town of Gibbons, in the province of Alberta, hereby enacts as follows:

Document History

Bylaw Adopted – Resolution #	12-11-2024 - #24.333	Bylaw Repealed	
Bylaw Amended and Adopted - Resolution #		Date to be Reviewed	12-01-2029

1. **TITLE**

This bylaw may be cited as the “CRIMINAL RECORDS CHECK FOR ELECTION CANDIDATES”

2. **DEFINITIONS**

- 2.1 **“Act”** means the *Local Authorities Election Act*
 - 2.2 **“Candidate”** means an individual who has been nominated to run for a municipal election as a Mayor or Councillor
 - 2.3 **“Criminal Record Check”** means a document that determines if an individual has been charged or convicted of a crime
 - 2.4 **“Election”** means a municipal election or by-election in The Town of Gibbons
 - 2.5 **“Nomination Papers”** means the document prescribed pursuant to the *Act* which must be duly completed and submitted by a candidate for nomination in order for that candidate to be eligible to seek election.
 - 2.5 **“Nomination Day”** means a person appointed under the *Act* to conduct elections in the local jurisdiction; a Returning Officer includes a person acting in the returning officer’s place.
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3. **GENERAL PROVISIONS**

- 3.1 Every candidate seeking election for the position of Mayor or Councillor in the Town of Gibbons shall obtain a Criminal Record Check.
- 3.2 The Criminal Record Check must have been completed by the RCMP not more than 45 days before the date nomination papers are to be submitted to the Returning Officer.
- 3.3 The original Criminal Record Check must be included with the nomination papers submitted by the candidate and will be made available to the public upon request. The mailing address and date of birth of the candidate will be redacted as well as any

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personal information that in the opinion of the Returning Officer would compromise the personal safety of the candidate.

- 3.4 Nomination papers submitted without a Criminal Record Check will be rejected by the Returning Officer. Candidates may resubmit their nominations papers with their Criminal Record Check no later than 12:00 pm on Nomination Day.
- 3.5 Every candidate shall obtain a Criminal Record Check at their own expense.

4. SEVERABILITY

- 4.1 Should any provision of this Bylaw become invalid, void, illegal or otherwise unenforceable, it shall be considered separate and severable from the Bylaw and the remainder shall remain in force and be binding as though such provision had not been invalid.

5. ENACTMENT

This Bylaw shall come into force and effect when it receives Third Reading and is duly signed thereof.

Read a first time this 27th of November 2024.

Read a second time this 11th of December 2024.

Read a third and final time this 11th of December 2024.

[ORIGINAL COPY IS SIGNED]

Mayor

[ORIGINAL COPY IS SIGNED]

Chief Administrative Officer

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